

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

DOMINIC YARBROUGH,

Plaintiff,

Case No. 3:24-cv-30

vs.

PAVE TECHNOLOGY COMPANY,

Defendant.

District Judge Michael J. Newman
Magistrate Judge Peter B. Silvain, Jr.

ORDER: (1) DISMISSING THIS CASE WITHOUT PREJUDICE FOR FAILURE TO PROSECUTE; AND (2) TERMINATING THE CASE ON THE DOCKET

This civil case is before the Court following *pro se* Plaintiff's failure to respond to the Order to Show Cause issued by United States Magistrate Judge Peter B. Silvain, Jr. Doc. No. 19. That Order explained that Plaintiff had not provided the Court with an updated mailing address. *Id.* at PageID 98. This is readily confirmed in the record of this case, which shows that mail sent to Plaintiff at his address of record has been returned to the Clerk of Court five times. *See* Doc. Nos. 13, 15, 16, 18, 20. The Order to Show Case directed *pro se* Plaintiff to show cause, by October 16, 2024, why this case should not be dismissed due to his failure to prosecute. *Id.* The Order also notified Plaintiff that if he did not show good cause on or before October 16, 2024, this case may be dismissed due to his failure to prosecute. *Id.* Despite this notice, Plaintiff has not responded to the Show Cause Order, and the deadline for doing so has passed.

District courts have the inherent power to dismiss civil actions for want of prosecution to "manage their own affairs so as to achieve the orderly and expeditious disposition of cases." *Link v. Wabash R.R.*, 370 U.S. 626, 630-31 (1962); *see also Carpenter v. City of Flint*, 723 F.3d 700, 704 (6th Cir. 2013) ("It is well settled that a district court has the authority to dismiss *sua sponte*

a lawsuit for failure to prosecute”).

Plaintiff’s failure to update his mailing address and his failure to show cause why his case should not be dismissed for failure to prosecute leave the record void of any explanation for his inaction in this case. In these circumstances, *sua sponte* dismissal of this case is warranted. *See Link*, 370 U.S. at 630-31; *see also Carpenter*, 723 F.3d at 704. Accordingly, this case is **DISMISSED WITHOUT PREJUDICE** for Plaintiff’s failure to prosecute.

IT IS SO ORDERED.

October 25, 2024

s/Michael J. Newman

Michael J. Newman
United States District Judge